

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

IN RE:)	CHAPTER 13
REGINA T PRESSWOOD)	CASE: G17-21676-JRS
)	
)	
DEBTOR)	

CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION
AND MOTION TO DISMISS CASE

COMES NOW, Nancy J. Whaley, the Standing Chapter 13 Trustee herein, and objects to Confirmation of the plan for the following reasons:

1.

The Debtor's payments under the proposed plan are not current, thus indicating that this plan is not feasible. 11 U.S.C. Section 1325(a)(6).

2.

The Debtor has failed to provide to the Trustee a copy of the 2016 tax return filed with Internal Revenue Service in violation of 11 U.S.C. Section 521(e)(2)(A).

3.

The voluntary petition was filed in the name of Regina T Presswood; however, the individual filing bankruptcy is Regina Ann Presswood. The petition must be corrected to reflect the proper party filing Chapter 13.

4.

The Trustee requests proof of the fair market value of the Debtor's real property in order to determine the accuracy and veracity of the plan and/or schedules. 11 U.S.C. Section 521(1) and 11 U.S.C. Section 1325(a)(3).

5.

The Chapter 13 Trustee requests proof of the post-petition mortgage payments of \$7,646.00 in order to determine feasibility of proposed plan pursuant to 11 U.S.C. 1325(a)(6).

6.

The Chapter 13 petition and schedules fail to disclose the real property lot adjacent to Debtor's residence, in violation of 11 U.S.C. Section 521.

7.

Debtor's Official Form 122C-1 fails to disclose non-filing spouse's gross household income received during the six (6) months preceding the filing of this case. 11 U.S.C. Section 101(10A).

8.

The Chapter 13 budget reflects a total monthly household expense of \$9,824.00, an amount that may be excessive and unnecessary for the maintenance or support of the Debtor or Debtor's dependents in violation of 11 U.S.C. Section 1325(b)(2)(A), 11 U.S.C. Section 1325(a)(3) and 11 U.S.C. Section 1325(a)(7).

9.

Question #4 of Debtor's Statement of Financial Affairs is inaccurate and/or incomplete in violation of 11 U.S.C. Section 521(a)(1) and Bankruptcy Rule 1007(b)(1).

10.

Debtor has failed to file the locally approved plan.

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of the Debtor's plan, and to dismiss the case.

This the 27th day of October, 2017.

Respectfully submitted,

/s/ _____
Eric W. Roach
Attorney for the Chapter 13 Trustee
State Bar No. 143194

CERTIFICATE OF SERVICE

Case No: G17-21676-JRS

This is to certify that I have this day served the following with a copy of the foregoing Chapter 13 Trustee's Objection To Confirmation And Motion To Dismiss Case by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage thereon.

Debtor(s)

REGINA T PRESSWOOD
2071 TRIMLESTON RD
STATHAM, GA 30666

Attorney for the Debtor(s):

DAVID HOUTSMA LAW FIRM LLC
2435 CREEK TREE LANE
CUMMING, GA 30041

This the 27th day of October, 2017.

/s/ _____

Eric W. Roach
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